

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

RYAN MICHAELSON,

Petitioner,

vs.

RICHARD J. YOUNG; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 20-48-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on August 13, 2020 (Doc. 4.) Judge Johnston recommended that Michaelson's Petition (Doc. 1) should be DISMISSED under Fed. R. Civ. P. 41(b) for failure to prosecute, that the Clerk of Court should be directed to enter, by separate document, a judgment in favor of Respondents and against Petitioner, and that a certificate of appealability should be DENIED.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left

with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 4) are **ADOPTED IN FULL**.

DATED this 31st day of August, 2020.



Brian Morris, Chief District Judge
United States District Court